

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

STATE OF TEXAS, ET AL.;

*Plaintiffs,*

*v.*

Case No. 1:18-cv-00068

UNITED STATES OF AMERICA, ET AL.;

*Defendants,*

*and*

KARLA PEREZ, ET AL.;

STATE OF NEW JERSEY,

*Defendants-Intervenors.*

**[Proposed] ORDER  
GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

This matter came before the Court on Plaintiffs’ Motion for Summary Judgment on the claims of their Supplemental Complaint (ECF No. 623). After reviewing the briefing on the matter, the evidence properly offered in support of Plaintiffs’ Motion for Summary Judgment, the evidence in the record of this case, and all other matters properly before the Court, the Court finds that there are no genuine issues of material fact and that Plaintiffs are entitled to judgment as a matter of law.

The Court concludes that the Deferred Action for Childhood Arrivals (“DACA”) program in Deferred Action for Childhood Arrivals, 87 Fed. Reg. 53,152 (Aug. 30, 2022) (to be codified at 8 C.F.R. pts 106, 236, and 274a) (the “Final Rule”), violates the substantive and reasoned decisionmaking requirements of the Administrative Procedure Act, 5 U.S.C. §§ 553, 706, as well as the Take Care Clause of the United States Constitution, U.S. Const. art. II, § 3.

Accordingly, **IT IS HEREBY ORDERED, ADJUDGED, and DECREED** that that Plaintiffs' Motion for Summary Judgment is granted on their First, Second, and Third Causes of Action in their Supplemental Complaint. Consistent with the Court's Opinion and Order, the Court **ORDERS** that:

- (1) the Final Rule is **VACATED** and **SET ASIDE**;
- (2) the Final Rule is **DECLARED** unlawful;
- (3) Defendants and all their respective officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with them are hereby permanently **ENJOINED** and **RESTRAINED** from enforcing and implementing the policies described in the Final Rule, save for renewing DACA permits for two years after the date of final judgment;
- (4) Defendants and all their respective officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with them are hereby permanently **ENJOINED** and **RESTRAINED** from issuing new DACA permits under the Final Rule, and from renewing DACA permits two years after the date of entry of final judgment;
- (5) This injunction is granted on a nationwide basis and prohibits enforcement and implementation of the policies described in the Final Rule in every place Defendants have jurisdiction to enforce and implement them.

This is a final judgment that disposes of all claims and all parties.

**SO ORDERED** on this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

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Andrew S. Hanen,  
U.S. District Court Judge